

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTY-THIRD LEGISLATURE

FORTY-THIRD LEGISLATIVE DAY
MONDAY, FEBRUARY 23, 2015

Senate Chamber

President Pro Tempore Hill called the Senate to order at 10 a.m.

Roll call showed all members present except Senator Rice, absent and formally excused by the Chair; and Senators Bair, Cameron, Guthrie, Johnson, Keough, Lacey, Mortimer, Nuxoll, Schmidt, and Thayne, absent and excused. [District 17 seat is temporarily vacant.]

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Molly Ashby, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 20, 2015, was read and approved as corrected.

LODGE, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 23, 2015

The JUDICIARY AND RULES Committee reports that [SCR 112](#) and [S 1104](#) have been correctly printed.

LODGE, Chairman

[SCR 112](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

[S 1104](#) was referred to the State Affairs Committee.

February 20, 2015

The JUDICIARY AND RULES Committee reports that Senate amendments to [S 1061](#) have been correctly printed.

HAGEDORN, Vice-Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 20, 2015

The JUDICIARY AND RULES Committee reports that [S 1061](#), as amended, has been correctly engrossed.

HAGEDORN, Vice-Chairman

[S 1061](#), as amended, was filed for first reading.

February 20, 2015

The JUDICIARY AND RULES Committee reports it has had under consideration the Gubernatorial reappointment listed below and the Committee recommends that said reappointment be confirmed by the Senate:

Lisa Growette Bostaph to the Commission on Pardons and Parole, term to expire January 1, 2018.

HAGEDORN, Vice-Chairman

The Gubernatorial reappointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 20, 2015

The JUDICIARY AND RULES Committee reports out [S 1034](#) and [S 1035](#) with the recommendation that they do pass.

HAGEDORN, Vice-Chairman

[S 1034](#) and [S 1035](#) were filed for second reading.

February 20, 2015

The JUDICIARY AND RULES Committee reports out [S 1033](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

HAGEDORN, Vice-Chairman

There being no objection, [S 1033](#) was referred to the Fourteenth Order of Business, General Calendar.

February 23, 2015

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 76](#) and [H 85](#) with the recommendation that they do pass.

SIDDOWAY, Chairman

[H 76](#) and [H 85](#) were filed for second reading.

February 23, 2015

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 29](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

SIDDOWAY, Chairman

There being no objection, [H 29](#) was referred to the Fourteenth Order of Business, General Calendar.

February 23, 2015

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Gary Michael to the Treasurer's Investment Advisory Board, term to expire July 1, 2016.

Gary Saylor as the Adjutant General of the Idaho Military Division, term to continue at the pleasure of the Governor.

MCKENZIE, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

February 19, 2015

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Candace Sweigart of Boise, Idaho, was appointed as a member of the Idaho Health Insurance Exchange Board to serve a term commencing February 5, 2015, and expiring April 10, 2017.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Commerce and Human Resources Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

February 20, 2015

Dear Mr. President:

I transmit herewith [H 110](#), [H 96](#), [H 122](#), and [H 30](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 110](#), [H 96](#), [H 122](#), and [H 30](#) were filed for first reading.

February 20, 2015

Dear Mr. President:

I transmit herewith Enrolled [H 20](#), [H 10](#), [H 11](#), [H 12](#), and [H 37](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President Pro Tempore signed Enrolled [H 20](#), [H 10](#), [H 11](#), [H 12](#), and [H 37](#) and ordered them returned to the House.

February 20, 2015

Dear Mr. President:

I return herewith Enrolled [S 1021](#), which has been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1021](#) was referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Moved by Senator Davis, seconded by Senator Stennett, that the following attaches be elected to fill the offices provided for by the *Constitution* of the State of Idaho and by statute:

Minority Staff AssistantMorgan Hill

Pages:

Molly Ashby, Meridian
Tim Bush, Boise
Samuel Cahoon, Twin Falls
Kayla Christensen, Emmett
Nolan Cole, Rigby
Lydia Deatherage, Pocatello
Savannah Martin, Boise
Christopher Miller, Boise
Samantha Mooney, Boise
Joshua Price, Garden City

The question being, Shall the motion prevail?

Roll call resulted as follows:

AYES—Bayer, Brackett, Buckner-Webb, Burgoyne, Davis, Den Hartog, Hagedorn, Heider, Hill, Lakey, Lee, Lodge, Martin, McKenzie, Nonini, Patrick, Siddoway, Souza, Stennett, Tippets, Vick, Ward-Engelking, Winder. Total - 23.

NAYS—None.

Absent and excused—Bair, Cameron, Guthrie, Johnson, Keough, Lacey, Mortimer, Nuxoll, Rice, Schmidt, Thayne. Total - 11.

Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President Pro Tempore declared the attaches duly elected to their respective positions. The President instructed the Sergeant at Arms to escort the attaches to the Desk at which time the Oath of Office was administered to the elected attaches and they were escorted from the Chamber.

The President Pro Tempore announced that the Agricultural Affairs Committee report relative to the Gubernatorial reappointment of Dave Radford was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Brackett, seconded by Senator Burgoyne, the Gubernatorial reappointment of Dave Radford as a member of the State Soil and Water Conservation Commission was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial reappointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

On request by Senator Davis, granted by unanimous consent, the committee report of the Gubernatorial appointment confirmation of Gavin Gee retained its place on the calendar for Tuesday, February 24, 2015.

The President Pro Tempore announced that the State Affairs Committee report relative to the Gubernatorial appointment of Cameron Aial was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Hagedorn, seconded by Senator Buckner-Webb, the Gubernatorial appointment of Cameron Aial as a member of the Treasurer's Investment Advisory Board was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

Senator Lacey was recorded present at this order of business.

The President Pro Tempore announced that the State Affairs Committee report relative to the Gubernatorial appointment of Kerrie Murray was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Stennett, seconded by Senator Winder, the Gubernatorial appointment of Kerrie Murray as a member of the Treasurer's Investment Advisory Board was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

Senators Bair, Cameron, Guthrie, Johnson, Keough, Mortimer, Nuxoll, Schmidt, and Thayn were recorded present at this order of business.

The President Pro Tempore announced that the State Affairs Committee report relative to the Gubernatorial reappointment of W. Craig Corbett was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Tippets, seconded by Senator Ward-Engelking, the Gubernatorial reappointment of W. Craig Corbett as a member of the Idaho Lottery Commission was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial reappointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

[S 1061](#), as amended, by Transportation Committee, was read the first time at length and filed for second reading.

[H 110](#) and [H 122](#), by Education Committee, were introduced, read the first time at length, and referred to the Education Committee.

[H 96](#), by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

[H 30](#), by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[S 1073](#), by Agricultural Affairs Committee, was read the second time at length and filed for third reading.

[H 168](#), by Appropriations Committee, was read the second time at length and filed for third reading.

[S 1083](#) and [S 1084](#), by Transportation Committee, were read the second time at length and filed for third reading.

[S 1006](#), [S 1007](#), [S 1008](#), [S 1009](#), [S 1010](#), and [S 1023](#), by Commerce and Human Resources Committee, were read the second time at length and filed for third reading.

[S 1070](#), by Education Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

[S 1044](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Guthrie arose as sponsor of the bill and opened the debate.

On request by Senator Winder, granted by unanimous consent, [S 1044](#) retained its place on the Third Reading Calendar.

Moved by Senator Winder, seconded by Senator Cameron, that all rules of the Senate interfering with the immediate consideration of [H 168](#) be suspended. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Schmidt, Siddoway, Souza, Thayn, Tippets, Vick, Ward-Engelking, Winder. Total - 31.

NAYS—None.

Absent and excused—Davis, Rice, Stennett. Total - 3.

Total - 34. [District 17 seat is temporarily vacant.]

More than two-thirds having voted in the affirmative, the President Pro Tempore declared the rules suspended and announced that [H 168](#) was before the Senate for final consideration.

[H 168](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Davis, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Schmidt, Siddoway, Souza, Stennett, Thayn, Tippets, Vick, Ward-Engelking, Winder. Total - 33.

NAYS—None.

Absent and excused—Rice. Total - 1.

Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President Pro Tempore declared [H 168](#) passed, title was approved, and the bill ordered returned to the House.

[S 1044](#), having been held, having previously been read the third time at length and debate having previously been opened, was before the Senate for final consideration. Senator Guthrie arose as sponsor of the bill and reopened the debate. The question being, "Shall the bill pass?"

Moved by Senator Johnson, seconded by Senator McKenzie, that [S 1044](#) be referred to the Fourteenth Order of Business for amendment. The question being, "Shall the motion prevail?"

Roll call vote was requested by Senator Siddoway.

Roll call resulted as follows:

AYES—Buckner-Webb, Burgoyne, Johnson, McKenzie, Schmidt, Stennett. Total - 6.

NAYS—Bair, Bayer, Brackett, Cameron, Davis, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Keough, Lacey, Lakey, Lee, Lodge, Martin, Mortimer, Nonini, Nuxoll, Patrick, Siddoway, Souza, Thayn, Tippets, Vick, Ward-Engelking, Winder. Total - 27.

Absent and excused—Rice. Total - 1.

Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President declared that the motion to refer [S 1044](#) to the Fourteenth Order of Business for amendment did not prevail. The question being, "Shall [S 1044](#) pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Davis, Den Hartog, Guthrie, Hagedorn, Keough, Lee, Lodge, Martin, Mortimer, Nonini, Nuxoll, Patrick, Siddoway, Souza, Thayn, Tippets, Vick. Total - 20.

NAYS—Buckner-Webb, Burgoyne, Cameron, Heider, Hill, Johnson, Lacey, Lakey, McKenzie, Schmidt, Stennett, Ward-Engelking, Winder. Total - 13.

Absent and excused—Rice. Total - 1.

Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President Pro Tempore declared [S 1044](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Ninth Order of Business.

Messages from the House

February 23, 2015

Dear Mr. President:

I transmit herewith Enrolled [H 168](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President Pro Tempore signed Enrolled [H 168](#) and ordered it returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Tippets, granted by unanimous consent, [S 1040](#) was referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote, the Senate adjourned at 12:20 p.m. until the hour of 10 a.m., Tuesday, February 24, 2015.

BRENT HILL, President Pro Tempore

Attest: JENNIFER NOVAK, Secretary